

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MYMAIL, LTD.,

Plaintiff,

v.

NETGEAR, INC.,

Defendant.

C.A. No. 17-01219-MN

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Paragraph 9 of the Court’s Scheduling Order (D.I. 17) and the Court’s Patent, Non-ANDA, Scheduling Order, Plaintiff MyMail, Ltd. (“MyMail”) and Defendant NETGEAR, Inc. (“NETGEAR”) (collectively, “the Parties”) submit this Joint Claim Construction and Prehearing Statement with intrinsic evidence regarding U.S. Patent No. 8,732,318 (the “’318 Patent”). Attached as Exhibit A is NETGEAR’s cited excerpts of the file history for the ’318 Patent. Attached as Exhibit B is MyMail’s cited excerpts of the file history for the ’318 Patent. Exhibit C is U.S. Patent No. 6,571,290 (the “’290 Patent”), the parent patent to the ’318 Patent. Attached as Exhibit D is Plaintiff’s ’290 Markman Brief from the *AOL* case, cited in the file history of the ’318 Patent. Attached as Exhibit E is Plaintiff’s ’290 Markman Reply Brief from the *AOL* case, cited in the file history of the ’318 Patent. Attached as Exhibit F is excerpts of the file history for the ’290 Patent. Attached as Exhibit G is the Claim Construction Order in the *AOL* case, cited in the file history of the ’318 Patent. Attached as Exhibit H is provisional patent application no. 60/050,186. Attached as Exhibit I is the reference, EP0336079, cited in the file history of the ’318 Patent. Attached as Exhibit J is the reference, U.S. Patent No. 5,812,819, cited in the file history of the ’318 Patent. Attached as Exhibit K is the reference, U.S. Patent No. 5,751,812, cited in the

file history of the '318 Patent. Attached as Exhibit L is the reference, U.S. Patent No. 5,898,780, cited in the file history of the '318 Patent. Attached as Exhibit M is the reference, U.S. Patent No. 5,825,890, cited in the file history of the '318 Patent. Attached as Exhibit N is the reference, U.S. Patent No. U.S. Patent No. 6,058,250, cited in the file history of the '318 Patent. The Parties agree that those terms that are not listed herein for construction should be given their plain and ordinary meaning as understood by one of ordinary skill in the art.

Disputed Terms	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
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<p>“set of network access information” / “network access information”</p>	<p>Plain and ordinary meaning, including in context. No construction necessary.</p>	<ul style="list-style-type: none"> • ‘318/1:50-52, including associated figures • ‘318/2:24-27, including associated figures • ‘318/2:35-39, including associated figures • ‘318/4:54-58, including associated figures • ‘318/5:32-34, including associated figures • ‘318/5:39-44, including associated figures • ‘318/6:30-7:21, including associated figures • ‘318/7:28-30, including associated figures • ‘318/7:48-8:7, including associated figures • ‘318/8:8-20, including associated figures • ‘318/8:30-51, including associated figures • ‘318/23:48-62, including associated figures • ‘318/27:30-34, including associated figures • ‘318/27:53-56, including associated figures • ‘318/Figs. 1 & 2, including associated text • ‘318/Claim 5, including claim terms “set of network access 	<p>information reflecting a user’s identity, such as a PAP ID or PAP password, used to authenticate the user’s right to communicate with the network</p>	<p>MYM000042 at 6:45-49, ’318 Patent. MYM000043 at 7:54-67, ’318 Patent. MYM000054 at Cl. 5, ’318 Patent. Ex. A, MYM000503-0615 <i>generally</i>, Information Disclosure Statement. Ex. A, MYM002570-71 at MYM002570, July 9, 2007 office action. Ex. A, MYM002572-2666 at 2623, Information Disclosure Statement. Ex. A, MYM002572-2666 at 2646, Information Disclosure Statement. Ex. A, MYM002572-2666 at 2649, Information Disclosure Statement. Ex. A, MYM002841-2870 at MYM002844-2845, ’318 prosecution history: MyMail’s May 4, 2010 Appeal Brief. Ex. A, MYM002871-2894 at MYM002893, ’290 claim construction order. Ex. C, MYM100643-0644 at Cl. 11, ’290 Patent. Ex. D at 20, Pl.’s ’290 Markman Brief. In addition, NETGEAR reserves the right to cite or rely on any intrinsic or extrinsic evidence cited and/or relied on by MyMail. NETGEAR further reserves the right to cite additional intrinsic and extrinsic evidence in response to arguments, evidence, or opinions made or presented by</p>
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		<p>information” & “network access information,” including associated figures and text</p> <ul style="list-style-type: none"> • ‘318 File History – Office Action, dated July 13, 2004 (MYM00217-225) • ‘318 File History – Response to Office Action, dated January 13, 2005 (MYM000234-247) • ‘318 File History – Office Action, dated May 11, 2005 (MYM000293-300) • ‘318 File History – Response to Office Action, dated July 11, 2005 (MYM000304-310) • ‘318 File History – Office Action, dated February 7, 2006 (MYM000434-439) • ‘318 File History – Examiner Interview, dated July 26, 2006 (MYM000470-472) • ‘318 File History – Response to Office Action, dated July 31, 2006 (MYM000458-462) • ‘318 File History – Interview Summary, dated September 29, 2006 (MYM000469-472) • ‘318 File History – Office Action, dated October 23, 2006 (MYM000475-480) 		MyMail or its expert, including in the form of expert testimony.
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		<ul style="list-style-type: none"> • ‘318 File History – Interview Summary, dated December 6, 2006 (MYM000483-485) • ‘318 File History – Response to Office Action, dated April 23, 2007 (MYM000491-495) • ‘318 File History – Information Disclosure Statement, dated June 5, 2007 (MYM000503-520) • ‘318 File History – Office Action, dated July 13, 2007 (MYM002568-2571) • ‘318 File History – Office Action Response, dated December 12, 2007 (MYM002679-2686) • ‘318 File History – Office Action, dated June 13, 2008 (MYM002690-2694) • ‘318 File History – Interview Summary, dated September 10, 2008 (MYM002700-2703) • ‘318 File History – Response to Office Action, dated December 15, 2008 (MYM002713-2722) • ‘318 File History – Response to Office Action, dated March 27, 2009 (MYM002731-2740) • ‘318 File History – Office Action, dated June 23, 2009 (MYM002744-2749) • ‘318 File History – Response to Office Action, dated August 14, 2009 (MYM002754-2764) 		
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		<ul style="list-style-type: none"> • ‘318 File History – Office Action, dated September 4, 2009 (MYM002768-2774) • ‘318 File History – Response to Office Action, dated March 4, - 2010 (MYM002804-2825) • ‘318 File History – Notice of Appeal, dated March 4, 2010 (MYM002826-2920) • ‘318 File History – Examiner Interview, dated March 9, 2010 (MYM002834-2835) • ‘318 File History – Examiner Interview, dated April 19, 2010 (MYM002838-2840) • ‘318 File History – Examiner Interview, dated April 22, 2010 (MYM002839-2840) • ‘318 File History – Appeal Brief, dated May 4, 2010 (MYM002841-2920) • ‘318 File History – Interview Summary, dated May 21, 2010 (MYM002933-2939) • ‘318 File History – Examiner’s Answer to Appeal Brief, dated September 2, 2010 (MYM002961-2977) • ‘318 File History – Reply Brief, dated November 2, 2010 (MYM002985-3001) 		
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Disputed Terms	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
		<ul style="list-style-type: none"> • '318 File History – Appeal Decision, dated April 4, 2013 (MYM003033-3042) • US Provisional Patent Application No. 60/050,186, filed June 19, 1997 <p>In addition, MyMail reserves the right to cite or rely on any intrinsic or extrinsic evidence cited and/or relied on by NETGEAR, including any evidence from the previous AOL cases, <i>e.g.</i>, <i>MyMail, Ltd. v. America Online, Inc., et al.</i>, Case No. 6:04-cv-189 (E.D. Tex.) & <i>MyMail, Ltd. v. America Online, Inc., et al.</i>, Case Nos. 2006-1146 & -1172 (Fed. Cir.). MyMail further reserves the right to cite additional intrinsic and extrinsic evidence in response to arguments, evidence, or opinions made or presented by NETGEAR or its expert, including in the form of expert testimony. MyMail further incorporates herein the opinions of its expert regarding the proper construction of this term.</p>		

“network”	Plain and ordinary meaning, including in context. No construction necessary.	<ul style="list-style-type: none"> • ‘318/1:50-52, including associated figures • ‘318/2:24-27, including associated figures • ‘318/2:35-39, including associated figures • ‘318/4:54-58, including associated figures • ‘318/5:32-34, including associated figures • ‘318/5:39-44, including associated figures • ‘318/6:30-7:21, including associated figures • ‘318/7:28-30, including associated figures • ‘318/7:48-8:7, including associated figures • ‘318/8:8-20, including associated figures • ‘318/8:30-51, including associated figures • ‘318/23:48-62, including associated figures • ‘318/27:30-34, including associated figures • ‘318/27:53-56, including associated figures • ‘318/Figs. 1 & 2, including associated text • ‘318/Claim 5, including claim terms “set of network access 	A network is a system of interconnected computers that have the ability to communicate. The claimed network is located between the access provider and the network service provider.	<p>MYM000023 at Figure 1, ’318 Patent.</p> <p>MYM000054 at Cl. 5, ’318 Patent.</p> <p>MYM100643-0644 at Cl. 11, ’290 Patent.</p> <p>Ex. A, MYM000503-0615 <i>generally</i>, Information Disclosure Sheet.</p> <p>Ex. A, MYM002570-71 at MYM002570, July 9, 2007 office action.</p> <p>Ex. A, MYM002572-2666 at 2623, Information Disclosure Statement.</p> <p>Ex. A, MYM002572-2666 at 2646, Information Disclosure Statement.</p> <p>Ex. A, MYM002572-2666 at 2649, Information Disclosure Statement.</p> <p>Ex. A, MYM002841-2870 at MYM002863, ’318 prosecution history: MyMail’s May 4, 2010 Appeal Brief.</p> <p>Ex. A, MYM002871-2894 at MYM002882-2883, ’290 claim construction order.</p> <p>Ex. A, MYM002871-2894 at MYM002892, ’290 claim construction order.</p> <p>In addition, NETGEAR reserves the right to cite or rely on any intrinsic or extrinsic evidence cited and/or relied on by MyMail. NETGEAR further reserves the right to cite additional intrinsic and extrinsic evidence in response to arguments, evidence, or opinions made or presented by MyMail or its expert, including in the form of expert testimony.</p>
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		<p>information” & “network access information,” including associated figures and text</p> <ul style="list-style-type: none"> • ‘318 File History – Office Action, dated July 13, 2004 (MYM00217-225) • ‘318 File History – Response to Office Action, dated January 13, 2005 (MYM000234-247) • ‘318 File History – Office Action, dated May 11, 2005 (MYM000293-300) • ‘318 File History – Response to Office Action, dated July 11, 2005 (MYM000304-310) • ‘318 File History – Office Action, dated February 7, 2006 (MYM000434-439) • ‘318 File History – Examiner Interview, dated July 26, 2006 (MYM000470-472) • ‘318 File History – Response to Office Action, dated July 31, 2006 (MYM000458-462) • ‘318 File History – Interview Summary, dated September 29, 2006 (MYM000469-472) • ‘318 File History – Office Action, dated October 23, 2006 (MYM000475-480) 		
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| | | <ul style="list-style-type: none"> • ‘318 File History – Interview Summary, dated December 6, 2006 (MYM000483-485) • ‘318 File History – Response to Office Action, dated April 23, 2007 (MYM000491-495) • ‘318 File History – Information Disclosure Statement, dated June 5, 2007 (MYM000503-520) • ‘318 File History – Office Action, dated July 13, 2007 (MYM002568-2571) • ‘318 File History – Office Action Response, dated December 12, 2007 (MYM002679-2686) • ‘318 File History – Office Action, dated June 13, 2008 (MYM002690-2694) • ‘318 File History – Interview Summary, dated September 10, 2008 (MYM002700-2703) • ‘318 File History – Response to Office Action, dated December 15, 2008 (MYM002713-2722) • ‘318 File History – Response to Office Action, dated March 27, 2009 (MYM002731-2740) • ‘318 File History – Office Action, dated June 23, 2009 (MYM002744-2749) • ‘318 File History – Response to Office Action, dated August 14, 2009 (MYM002754-2764) | | |
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		<ul style="list-style-type: none"> • ‘318 File History – Office Action, dated September 4, 2009 (MYM002768-2774) • ‘318 File History – Response to Office Action, dated March 4, - 2010 (MYM002804-2825) • ‘318 File History – Notice of Appeal, dated March 4, 2010 (MYM002826-2920) • ‘318 File History – Examiner Interview, dated March 9, 2010 (MYM002834-2835) • ‘318 File History – Examiner Interview, dated April 19, 2010 (MYM002838-2840) • ‘318 File History – Examiner Interview, dated April 22, 2010 (MYM002839-2840) • ‘318 File History – Appeal Brief, dated May 4, 2010 (MYM002841-2920) • ‘318 File History – Interview Summary, dated May 21, 2010 (MYM002933-2939) • ‘318 File History – Examiner’s Answer to Appeal Brief, dated September 2, 2010 (MYM002961-2977) • ‘318 File History – Reply Brief, dated November 2, 2010 (MYM002985-3001) 		
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Disputed Terms	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
		<ul style="list-style-type: none"> • '318 File History – Appeal Decision, dated April 4, 2013 (MYM003033-3042) • US Provisional Patent Application No. 60/050,186, filed June 19, 1997 <p>In addition, MyMail reserves the right to cite or rely on any intrinsic or extrinsic evidence cited and/or relied on by NETGEAR, including any evidence from the previous AOL cases, <i>e.g.</i>, <i>MyMail, Ltd. v. America Online, Inc., et al.</i>, Case No. 6:04-cv-189 (E.D. Tex.) & <i>MyMail, Ltd. v. America Online, Inc., et al.</i>, Case Nos. 2006-1146 & -1172 (Fed. Cir.). MyMail further reserves the right to cite additional intrinsic and extrinsic evidence in response to arguments, evidence, or opinions made or presented by NETGEAR or its expert, including in the form of expert testimony. MyMail further incorporates herein the opinions of any of its experts regarding the proper construction of this term.</p>		

“access provider”	Hardware and/or software that provides network access information.	<ul style="list-style-type: none"> • ‘318/1:50-52, including associated figures • ‘318/2:24-27, including associated figures • ‘318/2:35-39, including associated figures • ‘318/4:54-58, including associated figures • ‘318/5:32-34, including associated figures • ‘318/5:39-44, including associated figures • ‘318/6:30-7:21, including associated figures • ‘318/7:28-30, including associated figures • ‘318/7:48-8:7, including associated figures • ‘318/8:8-20, including associated figures • ‘318/8:30-51, including associated figures • ‘318/23:48-62, including associated figures • ‘318/27:30-34, including associated figures • ‘318/27:53-56, including associated figures • ‘318/Figs. 1 & 2, including associated text • ‘318/Claim 5, including claim terms “set of network access 	a party that provides authenticated access information to a user through the network to enable the user to access one or more NSPs	<p>MYM000001 at Abstract, ’318 Patent.</p> <p>MYM000023 at Figure 1, ’318 Patent.</p> <p>MYM000041 at 3:48-50, ’318 Patent.</p> <p>MYM000043 at 7:28-30, ’318 Patent.</p> <p>MYM000043 at 7:53-8:3, ’318 Patent.</p> <p>MYM000054 at Cl. 5, ’318 Patent.</p> <p>Ex. A, MYM000503-0615 <i>generally</i>, Information Disclosure Sheet.</p> <p>Ex. A, MYM002570-71 at MYM002570, July 9, 2007 office action.</p> <p>Ex. A, MYM002572-2666 at 2623, Information Disclosure Statement.</p> <p>Ex. A, MYM002572-2666 at 2646, Information Disclosure Statement.</p> <p>Ex. A, MYM002572-2666 at 2649, Information Disclosure Statement.</p> <p>Ex. A, MYM002804-2825 at MYM002820-2824, ’318 prosecution history: MyMail’s May 4, 2010 Response to Final Office Action.</p> <p>Ex. A, MYM002841-2870 at MYM002844-2845, ’318 prosecution history: MyMail’s May 4, 2010 Appeal Brief.</p> <p>Ex. A, MYM002841-2870 at MYM002863, ’318 prosecution history: MyMail’s May 4, 2010 Appeal Brief.</p> <p>Ex. A, MYM002871-2894 at MYM002875-76, ’290 claim construction order.</p>
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		<p>information” & “network access information,” including associated figures and text</p> <ul style="list-style-type: none"> • ‘318 File History – Office Action, dated July 13, 2004 (MYM00217-225) • ‘318 File History – Response to Office Action, dated January 13, 2005 (MYM000234-247) • ‘318 File History – Office Action, dated May 11, 2005 (MYM000293-300) • ‘318 File History – Response to Office Action, dated July 11, 2005 (MYM000304-310) • ‘318 File History – Office Action, dated February 7, 2006 (MYM000434-439) • ‘318 File History – Examiner Interview, dated July 26, 2006 (MYM000470-472) • ‘318 File History – Response to Office Action, dated July 31, 2006 (MYM000458-462) • ‘318 File History – Interview Summary, dated September 29, 2006 (MYM000469-472) • ‘318 File History – Office Action, dated October 23, 2006 (MYM000475-480) 	<p>Ex. A, MYM002871-2894 at MYM002891, ’290 claim construction order.</p> <p>Ex. C, MYM100643-0644 at Cl. 11, ’290 Patent.</p> <p>Ex. D at 9, Pl.’s ’290 Markman Brief.</p> <p>Ex. D at 15, Pl.’s ’290 Markman Brief.</p> <p>Ex. D at 20, Pl.’s ’290 Markman Brief.</p> <p>Ex. E at 2, Pl.’s ’290 Markman Reply Brief.</p> <p>Ex. E at 11, Pl.’s ’290 Markman Reply Brief.</p> <p>Ex. F, MYMAIL 001215-1321 at MYMAIL 001278, ’290 prosecution history: Application.</p> <p>Ex. F, MYMAIL 001430-1510 at MYMAIL 001481-1511, ’290 prosecution history: Preliminary Amendment.</p> <p><i>MyMail, Ltd. v. Am. Online, Inc.</i>, 476 F.3d 1372, 1374-78 (Fed. Cir. 2007).</p> <p>In addition, NETGEAR reserves the right to cite or rely on any intrinsic or extrinsic evidence cited and/or relied on by MyMail. NETGEAR further reserves the right to cite additional intrinsic and extrinsic evidence in response to arguments, evidence, or opinions made or presented by MyMail or its expert, including in the form of expert testimony.</p>
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| | | <ul style="list-style-type: none"> • ‘318 File History – Appeal Decision, dated April 4, 2013
(MYM003033-3042) • US Provisional Patent Application No. 60/050,186, filed June 19, 1997 • USP 6,571,290 to Selgas • ‘290/Claim 13, including associated figures and text • ‘290 File History – Executive Summary of NEAT • ‘290 File History – “Preliminary Amendment,” dated August 15, 2001 • ‘290 File History – Office Action, dated December 17, 2002 • ‘290 File History – Preliminary Amendment, dated August 15, 2001 • ‘290 File History – Office Action, dated June 5, 2002 • ‘290 File History – Interview summary of September 17, 2002 teleconference, dated September 18, 2002 • ‘290 File History – Draft Amendment, dated September 18, 2002 • ‘290 File History – Notice of Allowability, dated October 1, 2002 | | |
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		<ul style="list-style-type: none"> • EPO336079 to Zdunek • USP 5,721,780 to Ensor • USP 5,751,812 to Anderson • USP 5,802,304 to Stone • USP 5,812,819 to Rodwin • USP 5,825,890 to Elgamal • USP 5,898,780 to Lui • USP 5,898,839 to Bertau • USP 6,012,088 to Li • USP 6,023,698 to Lavey • USP 6,058,250 to Harwood <ul style="list-style-type: none"> • Claim construction briefing and rulings in <i>MyMail, Ltd. v. America Online, et al.</i>, Case No. 6:04-cv-00189-LED (E.D. Tex.) as it concerns construction of the terms in the related '290 patent • Claim construction briefing in Case No. 6:04-cv-00189-LED, Docs. 169, 175, 176, & 181 (E.D. Tex.) as it concerns construction of the terms in the related '290 patent • Transcript of claim construction hearing in Case No. 6:04-cv-00189-LED, Docs. 184, 186, & 208 (E.D. Tex. Apr. 6, 2005) as it concerns construction of the terms in the related '290 patent • Memorandum Opinion and Order in Case No. 6:04-cv-00189-LED, Doc. 198 (E.D. Tex. June 3, 2005) 		
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		<p>as it concerns construction of the terms in the related '290 patent</p> <ul style="list-style-type: none"> • Appellate briefing in Case Nos. 2006-1147, -1172 (Fed. Cir.) as it concerns construction of the terms in related '290 patent • Appellate Opinion in Case Nos. 2006-1147, -1172 (Fed. Cir.) as it concerns construction of the terms in related '290 patent • Transcript of September 15, 2004 30(b)(6) Deposition of MyMail, Ltd. (Osentowski) in Case No. 6:04-cv-00189-LED (E.D. Tex.) • Transcript of September 16, 2004 30(b)(6) Deposition of MyMail, Ltd. (Selgas) in Case No. 6:04-cv-00189-LED (E.D. Tex.) • Transcript of October 27, 2004 30(b)(6) Deposition of MyMail, Ltd. (Selgas) in Case No. 6:04-cv-00189-LED (E.D. Tex.) • Transcript of November 3, 2004 30(b)(6) Deposition of MyMail, Ltd. (Selgas) in Case No. 6:04-cv-00189-LED (E.D. Tex.) • Transcript of January 25, 2005 30(b)(6) Deposition of MyMail, Ltd. (Selgas) in Case No. 6:04-cv-00189-LED (E.D. Tex.) • Transcript of August 28, 2018 Deposition Tom Selgas, including as related to claim construction 		
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Disputed Terms	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
		<p>issues and/or declarations consistent therewith</p> <p>In addition, MyMail reserves the right to cite or rely on any intrinsic or extrinsic evidence cited and/or relied on by NETGEAR, including any evidence from the previous AOL cases, <i>e.g.</i>, <i>MyMail, Ltd. v. America Online, Inc., et al.</i>, Case No. 6:04-cv-189 (E.D. Tex.) & <i>MyMail, Ltd. v. America Online, Inc., et al.</i>, Case Nos. 2006-1146 & -1172 (Fed. Cir.). MyMail further reserves the right to cite additional intrinsic and extrinsic evidence in response to arguments, evidence, or opinions made or presented by NETGEAR or its expert, including in the form of expert testimony. MyMail further incorporates herein the opinions of its expert regarding the proper construction of this term.</p>		

“re-accessing”	Plain and ordinary meaning, including in context. No construction necessary.	<ul style="list-style-type: none"> • ‘318/1:50-52, including associated figures • ‘318/2:24-27, including associated figures • ‘318/2:35-39, including associated figures • ‘318/4:54-58, including associated figures • ‘318/5:32-34, including associated figures • ‘318/5:39-44, including associated figures • ‘318/6:30-7:21, including associated figures • ‘318/7:28-30, including associated figures • ‘318/7:48-8:7, including associated figures • ‘318/8:8-20, including associated figures • ‘318/8:30-51, including associated figures • ‘318/23:48-62, including associated figures • ‘318/27:30-34, including associated figures • ‘318/27:53-56, including associated figures • ‘318/Figs. 1 & 2, including associated text • ‘318/Claim 5, including claim terms “set of network access 	re-connecting to the network via a different NSP.	<p>MYM000041-0042 at 4:62-5:7, ’318 Patent.</p> <p>MYM000043 at 8:10-11, ’318 Patent.</p> <p>MYM000043 at 8:16-20, ’318 Patent.</p> <p>MYM000054 at Cl. 5, ’318 Patent.</p> <p>MYM000234-0247 at MYM000243-0244, ’318 prosecution history: MyMail’s Jan. 13, 2005 Response to Office Action.</p> <p>MYM000503-0615 <i>generally</i>, Information Disclosure Sheet.</p>
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		<p>information” & “network access information,” including associated figures and text</p> <ul style="list-style-type: none"> • ‘318 File History – Office Action, dated July 13, 2004 (MYM00217-225) • ‘318 File History – Response to Office Action, dated January 13, 2005 (MYM000234-247) • ‘318 File History – Office Action, dated May 11, 2005 (MYM000293-300) • ‘318 File History – Response to Office Action, dated July 11, 2005 (MYM000304-310) • ‘318 File History – Office Action, dated February 7, 2006 (MYM000434-439) • ‘318 File History – Examiner Interview, dated July 26, 2006 (MYM000470-472) • ‘318 File History – Response to Office Action, dated July 31, 2006 (MYM000458-462) • ‘318 File History – Interview Summary, dated September 29, 2006 (MYM000469-472) • ‘318 File History – Office Action, dated October 23, 2006 (MYM000475-480) 		
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| | | <ul style="list-style-type: none"> • ‘318 File History – Interview Summary, dated December 6, 2006 (MYM000483-485) • ‘318 File History – Response to Office Action, dated April 23, 2007 (MYM000491-495) • ‘318 File History – Information Disclosure Statement, dated June 5, 2007 (MYM000503-520) • ‘318 File History – Office Action, dated July 13, 2007 (MYM002568-2571) • ‘318 File History – Office Action Response, dated December 12, 2007 (MYM002679-2686) • ‘318 File History – Office Action, dated June 13, 2008 (MYM002690-2694) • ‘318 File History – Interview Summary, dated September 10, 2008 (MYM002700-2703) • ‘318 File History – Response to Office Action, dated December 15, 2008 (MYM002713-2722) • ‘318 File History – Response to Office Action, dated March 27, 2009 (MYM002731-2740) • ‘318 File History – Office Action, dated June 23, 2009 (MYM002744-2749) • ‘318 File History – Response to Office Action, dated August 14, 2009 (MYM002754-2764) | | |
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		<ul style="list-style-type: none"> • ‘318 File History – Office Action, dated September 4, 2009 (MYM002768-2774) • ‘318 File History – Response to Office Action, dated March 4, - 2010 (MYM002804-2825) • ‘318 File History – Notice of Appeal, dated March 4, 2010 (MYM002826-2920) • ‘318 File History – Examiner Interview, dated March 9, 2010 (MYM002834-2835) • ‘318 File History – Examiner Interview, dated April 19, 2010 (MYM002838-2840) • ‘318 File History – Examiner Interview, dated April 22, 2010 (MYM002839-2840) • ‘318 File History – Appeal Brief, dated May 4, 2010 (MYM002841-2920) • ‘318 File History – Interview Summary, dated May 21, 2010 (MYM002933-2939) • ‘318 File History – Examiner’s Answer to Appeal Brief, dated September 2, 2010 (MYM002961-2977) • ‘318 File History – Reply Brief, dated November 2, 2010 (MYM002985-3001) 		
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Disputed Terms	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
		<ul style="list-style-type: none"> • '318 File History – Appeal Decision, dated April 4, 2013 (MYM003033-3042) • US Provisional Patent Application No. 60/050,186, filed June 19, 1997 <p>In addition, MyMail reserves the right to cite or rely on any intrinsic or extrinsic evidence cited and/or relied on by NETGEAR, including any evidence from the previous AOL cases, <i>e.g.</i>, <i>MyMail, Ltd. v. America Online, Inc., et al.</i>, Case No. 6:04-cv-189 (E.D. Tex.) & <i>MyMail, Ltd. v. America Online, Inc., et al.</i>, Case Nos. 2006-1146 & -1172 (Fed. Cir.). MyMail further reserves the right to cite additional intrinsic and extrinsic evidence in response to arguments, evidence, or opinions made or presented by NETGEAR or its expert, including in the form of expert testimony. MyMail further incorporates herein the opinions of its expert regarding the proper construction of this term.</p>		

“network service provider (NSP)”	Hardware and/or software that provides a connection to a network.	<ul style="list-style-type: none"> • ‘318/1:50-52, including associated figures • ‘318/2:24-27, including associated figures • ‘318/2:35-39, including associated figures • ‘318/4:54-58, including associated figures • ‘318/5:32-34, including associated figures • ‘318/5:39-44, including associated figures • ‘318/6:30-7:21, including associated figures • ‘318/7:28-30, including associated figures • ‘318/7:48-8:7, including associated figures • ‘318/8:8-20, including associated figures • ‘318/8:30-51, including associated figures • ‘318/23:48-62, including associated figures • ‘318/27:30-34, including associated figures • ‘318/27:53-56, including associated figures • ‘318/Figs. 1 & 2, including associated text • ‘318/Claim 5, including claim terms “set of network access 	a party that provides a connection to the network and authenticates users for access to the network	<p>MYM000001 at Abstract, ’318 Patent.</p> <p>MYM000023 at Figure 1, ’318 Patent.</p> <p>MYM000023 at 3:48-50.</p> <p>MYM000023 at 5:39-43.</p> <p>MYM000023 at 6:67-7:6.</p> <p>MYM000023 at 23:42-61.</p> <p>MYM000023 at Cl. 5.</p> <p>MYM100643-0644 at Cl. 11, ’290 Patent</p> <p>MYM100644 at Cl. 13, ’290 Patent</p> <p>Ex. D at 9, ’290 Markman Brief.</p> <p>Ex. D at 15, ’290 Markman Brief.</p> <p>Ex. D at 20, ’290 Markman Brief.</p> <p>MYM000503-0615 <i>generally</i>, Information Disclosure Sheet.</p> <p>MYM002570-71 at MYM002570, July 9, 2007 office action.</p> <p>MYM002572-2666 at 2623, Information Disclosure Statement.</p> <p>MYM002572-2666 at 2646, Information Disclosure Statement.</p> <p>MYM002572-2666 at 2649, Information Disclosure Statement.</p> <p>MYM002871-2894 at MYM002876, ’290 claim construction order.</p>
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		<p>information” & “network access information,” including associated figures and text</p> <ul style="list-style-type: none"> • ‘318 File History – Office Action, dated July 13, 2004 (MYM00217-225) • ‘318 File History – Response to Office Action, dated January 13, 2005 (MYM000234-247) • ‘318 File History – Office Action, dated May 11, 2005 (MYM000293-300) • ‘318 File History – Response to Office Action, dated July 11, 2005 (MYM000304-310) • ‘318 File History – Office Action, dated February 7, 2006 (MYM000434-439) • ‘318 File History – Examiner Interview, dated July 26, 2006 (MYM000470-472) • ‘318 File History – Response to Office Action, dated July 31, 2006 (MYM000458-462) • ‘318 File History – Interview Summary, dated September 29, 2006 (MYM000469-472) • ‘318 File History – Office Action, dated October 23, 2006 (MYM000475-480) 		<p>MYM002871-2894 at MYM002891, ’290 claim construction order.</p> <p>Ex. E at 2, Pl.’s ’290 Markman Reply Brief.</p> <p>Ex. E at 11, ’290 Markman Reply Brief</p> <p><i>MyMail, Ltd. v. Am. Online, Inc.</i>, 476 F.3d 1372, 1374 (Fed. Cir. 2007).</p> <p><i>MyMail, Ltd. v. Am. Online, Inc.</i>, 476 F.3d 1372, 1376-78 (Fed. Cir. 2007).</p>
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| | | <ul style="list-style-type: none"> • ‘318 File History – Interview Summary, dated December 6, 2006 (MYM000483-485) • ‘318 File History – Response to Office Action, dated April 23, 2007 (MYM000491-495) • ‘318 File History – Information Disclosure Statement, dated June 5, 2007 (MYM000503-520) • ‘318 File History – Office Action, dated July 13, 2007 (MYM002568-2571) • ‘318 File History – Office Action Response, dated December 12, 2007 (MYM002679-2686) • ‘318 File History – Office Action, dated June 13, 2008 (MYM002690-2694) • ‘318 File History – Interview Summary, dated September 10, 2008 (MYM002700-2703) • ‘318 File History – Response to Office Action, dated December 15, 2008 (MYM002713-2722) • ‘318 File History – Response to Office Action, dated March 27, 2009 (MYM002731-2740) • ‘318 File History – Office Action, dated June 23, 2009 (MYM002744-2749) • ‘318 File History – Response to Office Action, dated August 14, 2009 (MYM002754-2764) | | |
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		<ul style="list-style-type: none"> • ‘318 File History – Office Action, dated September 4, 2009 (MYM002768-2774) • ‘318 File History – Response to Office Action, dated March 4, - 2010 (MYM002804-2825) • ‘318 File History – Notice of Appeal, dated March 4, 2010 (MYM002826-2920) • ‘318 File History – Examiner Interview, dated March 9, 2010 (MYM002834-2835) • ‘318 File History – Examiner Interview, dated April 19, 2010 (MYM002838-2840) • ‘318 File History – Examiner Interview, dated April 22, 2010 (MYM002839-2840) • ‘318 File History – Appeal Brief, dated May 4, 2010 (MYM002841-2920) • ‘318 File History – Interview Summary, dated May 21, 2010 (MYM002933-2939) • ‘318 File History – Examiner’s Answer to Appeal Brief, dated September 2, 2010 (MYM002961-2977) • ‘318 File History – Reply Brief, dated November 2, 2010 (MYM002985-3001) 		
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| | | <ul style="list-style-type: none"> • ‘318 File History – Appeal Decision, dated April 4, 2013
(MYM003033-3042) • US Provisional Patent Application No. 60/050,186, filed June 19, 1997 • USP 6,571,290 to Selgas • ‘290/Claim 13, including associated figures and text • ‘290 File History – Executive Summary of NEAT • ‘290 File History – “Preliminary Amendment,” dated August 15, 2001 • ‘290 File History – Office Action, dated December 17, 2002 • ‘290 File History – Preliminary Amendment, dated August 15, 2001 • ‘290 File History – Office Action, dated June 5, 2002 • ‘290 File History – Interview summary of September 17, 2002 teleconference, dated September 18, 2002 • ‘290 File History – Draft Amendment, dated September 18, 2002 • ‘290 File History – Notice of Allowability, dated October 1, 2002 | | |
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		<ul style="list-style-type: none"> • EPO336079 to Zdunek • USP 5,721,780 to Ensor • USP 5,751,812 to Anderson • USP 5,802,304 to Stone • USP 5,812,819 to Rodwin • USP 5,825,890 to Elgamal • USP 5,898,780 to Lui • USP 5,898,839 to Bertau • USP 6,012,088 to Li • USP 6,023,698 to Lavey • USP 6,058,250 to Harwood • Claim construction briefing and rulings in <i>MyMail, Ltd. v. America Online, et al.</i>, Case No. 6:04-cv-00189-LED (E.D. Tex.) as it concerns construction of the terms in the related '290 patent • Claim construction briefing in Case No. 6:04-cv-00189-LED, Docs. 169, 175, 176, & 181 (E.D. Tex.) as it concerns construction of the terms in the related '290 patent • Transcript of claim construction hearing in Case No. 6:04-cv-00189-LED, Docs. 184, 186, & 208 (E.D. Tex. Apr. 6, 2005) as it concerns construction of the terms in the related '290 patent • Memorandum Opinion and Order in Case No. 6:04-cv-00189-LED, Doc. 198 (E.D. Tex. June 3, 2005) 		
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		<p>as it concerns construction of the terms in the related '290 patent</p> <ul style="list-style-type: none"> • Appellate briefing in Case Nos. 2006-1147, -1172 (Fed. Cir.) as it concerns construction of the terms in related '290 patent • Appellate Opinion in Case Nos. 2006-1147, -1172 (Fed. Cir.) as it concerns construction of the terms in related '290 patent • Transcript of September 15, 2004 30(b)(6) Deposition of MyMail, Ltd. (Osentowski) in Case No. 6:04-cv-00189-LED (E.D. Tex.) • Transcript of September 16, 2004 30(b)(6) Deposition of MyMail, Ltd. (Selgas) in Case No. 6:04-cv-00189-LED (E.D. Tex.) • Transcript of October 27, 2004 30(b)(6) Deposition of MyMail, Ltd. (Selgas) in Case No. 6:04-cv-00189-LED (E.D. Tex.) • Transcript of November 3, 2004 30(b)(6) Deposition of MyMail, Ltd. (Selgas) in Case No. 6:04-cv-00189-LED (E.D. Tex.) • Transcript of January 25, 2005 30(b)(6) Deposition of MyMail, Ltd. (Selgas) in Case No. 6:04-cv-00189-LED (E.D. Tex.) <p>In addition, MyMail reserves the right to cite or rely on any intrinsic</p>		
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Disputed Terms	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
		<p>or extrinsic evidence cited and/or relied on by NETGEAR, including any evidence from the previous AOL cases, <i>e.g.</i>, <i>MyMail, Ltd. v. America Online, Inc., et al.</i>, Case No. 6:04-cv-189 (E.D. Tex.) & <i>MyMail, Ltd. v. America Online, Inc., et al.</i>, Case Nos. 2006-1146 & -1172 (Fed. Cir.). MyMail further reserves the right to cite additional intrinsic and extrinsic evidence in response to arguments, evidence, or opinions made or presented by NETGEAR or its expert, including in the form of expert testimony. MyMail further incorporates herein the opinions of its expert regarding the proper construction of this term.</p>		

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